

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE
OCTOBER 18, 1989

SUBJECT: SUPPLEMENT NO. 2 TO THE NORTHERN CALIFORNIA JCINT POWERS AGREEMENT -
MEMBERSHIP OF TRUCKEE-DONNER PUBLIC UTILITY DISTRICT

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council adopt Resolution No. 89-150 authorizing the Mayor to execute, on behalf of the City of Lodi, Supplement No. 2 to the Northern California Power Agency (NCPA) Joint Powers Agreement providing for membership in that agency of the Truckee-Donner Public Utility District.

BACKGROUND INFORMATION: The Truckee-Donner Public Utility District has requested membership in NCPA. At its regular meeting of September 27, 1989, the NCPA Commission unanimously adopted Resolution No. 89-55 providing for this membership (Exhibit A). A copy of the Supplement No. 2 agreement is also attached (Exhibit B). The appropriate City of Lodi approving resolution is also attached (Exhibit C). Truckee/Donner will be the third utility district in NCPA. The other two are Plumas-Sierra Public Utility District, and Turlock Irrigation District.

Respectfully submitted,



Thomas A. Peterson
City Manager

TAP:br

Attachments

RESOLUTION NO. 89 -35

NORTHERN CALIFORNIA POWER AGENCY

RESOLUTION OF THE COMMISSION OF THE NORTHERN CALIFORNIA POWER AGENCY AUTHORIZING EXECUTION OF A NEW MEMBER SERVICES AGREEMENT WITH TRUCKEE DONNER PUBLIC UTILITY DISTRICT AND RECOMMENDING EXECUTION OF SUPPLEMENT NO. 2 TO THE JOINT POWERS **AGREEMENT** TO THE **MEMBERS**

WHEREAS, Truckee Donner Public **Utility** District (Truckee) has executed and delivered a New Member Services Agreement and applied for membership in the Northern California Power Agency (NCPA) with the payment in full of the application fee in the amount of \$17,163; and

WHEREAS, The Commission has found and determined that Truckee is suitable for **membership** in NCPA; now

THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NCPA, **as follows:**

Section 1. The application of Truckee is hereby accepted, and the General Manager is hereby authorized and directed to execute on behalf of NCPA **the** New Member Services Agreement with **Truckee**.

Section 2. The form of Supplement No. 2 to the NCPA Joint Powers Agreement is hereby approved and recommended to the members of NCPA for execution.

Section 3. The General Manager and General Counsel are hereby instructed to expeditiously circulate Supplement No. 2 to the members for their consideration.

SUPPLEMENT NO. 2 TO
NORTHERN CALIFORNIA POWER AGENCY
JOINT POWERS AGREEMENT

This Agreement, dated as of September 27, 1989, by **and** among the parties signatory hereto, hereinafter called "Parties," witnesseth that

WHEREAS, **all** of the Parties hereto, except Truckee Donner Public Utility District, herein called 'Truckee Donner,' are also parties to that **Agreement** first made the 19th day of July, **1968**, and revised as of the first day of **April**, 1973, as amended, which agreement is herein called the "Joint Powers Agreement;" and

WHEREAS, the Joint Powers Agreement created the Northern California Power **Agency**, herein called 'NCPA,' pursuant to section 6506 et seq. of the Government Code of the State of California, of which all Parties hereto except Truckee are members or associate members; and

WHEREAS, **Truckee** Donner and **the** other Parties hereto desire that Truckee Donner shall become a party to the Joint Powers Agreement and a member of NCPA on the same basis **as** each of the other members; and

WHEREAS, Truckee Donner is a public agency of the State of California, and is entitled to be a preference purchaser of electric service from the Central Valley Project of the United States, and has powers equivalent to those of the other members of **NCPA** so far as is relevant to the powers of NCPA; now therefore, the Parties, including Truckee Donner, agree as follows:

Section 1. On and after the effective date of this Agreement, Truckee Donner shall be a member of NCPA and a party to the Joint Powers Agreement, and shall have the same rights, powers and privileges and immunities, duties and obligations as any other member of NCPA as of that effective date.

Section 2. Truckee Donner shall not be liable for any share of the organization, planning, or other costs of NCPA incurred prior to the effective date of this Agreement, and shall not by force of this Agreement become a **party** to any

other agreement or instrumentality of NCPA entered into or created prior to the effective date of this Agreement, or except with its consent **and** the consent of all other NCPA members **and** associate members who are parties to **such** agreement or instrumentality evidenced separately from this Agreement.

Section 3. This Agreement shall take effect on the first day of the calendar month following the complete execution of this Agreement by Truckee Donner and all members **and** associate members **of** NCPA.

CITY OF ALAMEDA

By _____

Date _____

CITY ~~OF~~ BIGGS

By _____

Date _____

CITY ~~OF~~ HEALDSBURG

By _____

Date _____

CITY OF ROSEVILLE

~~BY~~ — _____

Date _____

CITY OF LODI

By _____

Date _____

CITY OF SANTA CLARA

By _____

Date _____

CITY OF LOMPOC

By _____

Date _____

TURLOCK IRRIGATION DISTRICT

By _____

Date _____

CITY OF PALO ALTO

By _____

Date _____

CITY OF REDDING

By _____

Date _____

CITY OF GRIDLEY

By _____

Date _____

DEC/NCPA SUPP2 JT PWRS

CITY OF UKIAH

By _____

Date _____

PLUMAS-SIERRA RURAL ELECTRIC
COOPERATIVE

By _____

Date _____

TRUCKEE DONNER PUBLIC UTILITY
DISTRICT

By _____

Date _____

RESOLUTION NO. 89-150

A RESOLUTION OF THE LODI CITY COUNCIL.
AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY,
SUPPLEMENT NO. 2 TO THE NORTHERN CALIFORNIA POWER AGENCY (NCPA) JOINT
POWERS AGREEMENT, PROVIDING FOR MEMBERSHIP IN NCPA OF THE
TRUCKEE-DONNER PUBLIC UTILITY DISTRICT

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BE IT RESOLVED, that the Lodi City Council hereby authorizes the Mayor to execute, on behalf of the City of Lodi, Supplement No. 2 to the Northern California Power Agency (NCPA) Joint Powers Agreement, providing for membership in NCPA of the Truckee-Donner Public Utility District.

=====

Dated: October 18, 1989

I hereby certify that Resolution No. 89-150 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 18, 1989 by the following vote:

Ayes : Council Members -
Noes : Council Members -
Absent: Council Members -

Alice M. Reimche
City Clerk

NCPA

A Public Agency

Northern California Power Agency

180 Kirby Way, Roseville California 95678

MICHAEL W. McDONALD

General Manager

(916) 781-4202

October 3, 1989

RECEIVED

1989 OCT -3 AM 10:01

ALICE H. REIMOND
CITY CLERK
CITY OF Lodi

TO: The NCPA Commission

FROM: Gail Sipple

SUBJECT: Supplement No. 2 to the ^{NCPA} Joint Powers Agreement - membership
of Truckee-Donner Public Utility District

In follow-up to the September 27, 1989 Commission meeting, enclosed is a copy of Resolution No. 89-35 which accepted the application for membership of the Truckee-Donner Public Utility District.

Also enclosed is a copy of Supplement No. 2 to the Joint **Powers** Agreement for submittal to your governing board for approval. The Supplement No. 2 can only be adopted upon unanimous approval by all the NCPA members.

Upon approval of this document, please forward to me, prior to December 1, 1989, an executed copy of the Supplement No. 2 and your approving resolution. If you have any questions, please contact Roger Fontes (916) 781-3636, or Dennis DeCuir (916) 444-3900.

By copy of this letter, I am also forwarding this document to your City Clerk for processing.

Yours truly,



GAIL SIPPLE
Executive Assistant

Enc.



McDONOUGH, HOLLAND & ALI
A PROFESSIONAL CORPORATION
ATTORNEYS

555 CAPITOL MALL, SUITE 950
SACRAMENTO, CALIFORNIA 95814
(916) 444-3800
TELECOPIER: (916) 444-8334

OCT 12 '89

City Manager's Office

DENNIS W. DECUIR

October 10, 1989

THE NORTHERN CALIFORNIA POWER
AGENCY COMMISSION

Subject: Admission of Truckee Donner Public Utility District
to Membership in NCPA; Supplement No. 2 to
Northern California Power Agency Joint Powers
Agreement

Ladies and Gentlemen:

The eagle eyes of Alameda's Maerose Humphreys caught the word
"Turlock" in the second "whereas" clause of my Supplement No. 2.

For those members who may have executed the supplement, the term
"Turlock" will be read as "Truckee Donner," **and** for those **who have** yet to
present this document to your governing bodies, a fresh document is
enclosed.

Very truly yours,

Dennis W. DeCuir

DeC:del

Enclosure

cc: Gail M. Sipple

COUNCIL

JOHN R. (Randy) SNIDER, Mayor
DAVID M. HINCHMAN
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
FRED M. REID

CITY OF LODI

CITY HALL, 222 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER: (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

October 19, 1989

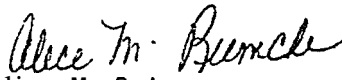
Ms. Gail Sipple
Executive Assistant
Northern California Power Agency
180 Kirby Way
Roseville, CA 95678

Dear Ms. Sipple:

Enclosed please find executed copy of Supplement No. 2 to Northern California Power Agency Joint Power Agreement which was approved by the Lodi City Council at its regular meeting of October 18, 1989 and the authorizing Resolution No. 89-150.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Very truly yours,


Alice M. Reimche
City Clerk

Encls.

RESOLUTION NO. 89-150

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY,
SUPPLEMENT NO. 2 TO THE NORTHERN CALIFORNIA POWER AGENCY (NCPA) JOINT
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TRUCKEE-DONNER PUBLIC UTILITY DISTRICT

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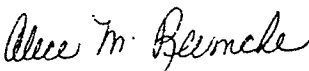
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Dated: October 18, 1989

I hereby certify that Resolution No. 89-150 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 18, 1989 by the following vote:

Ayes : Council Members - Hinchman, Olson, Pinkerton, and Reid
Noes: Council Members - None
Absent: Council Members - Snider


Alice M. Reimche
City Clerk

McDONOUGH, HOLLAND & ALI
A PROFESSIONAL CORPORATION
ATTORNEYS

555 CAPITOL MALL, SUITE 950
SACRAMENTO, CALIFORNIA 95814

(916) 444-3900

TELECOPIER (916) 444-9334

DENNIS W. DE GUIR

RECEIVED
OCT 12 AM 10 02
ALBANY COUNTY
CLERK OF SUPERIOR COURT
ALBANY, NEW YORK

October 10, 1989

THE NORTHERN CALIFORNIA POWER
AGENCY COMMISSION

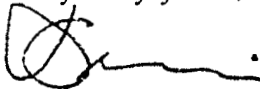
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enclosed.

Very truly yours,



Dennis W. De Cuir

DeC:del

Enclosure

cc: Gail M. Sipple

NEWPORT BEACH OFFICE
4041 MACARTHUR BOULEVARD SUITE 101
NEWPORT BEACH CALIFORNIA 92660
(714) 851-1180
TELECOPIER (714) 851-0367

YUBA CITY OFFICE
1585 BUTTE HOUSE ROAD
YUBA CITY CALIFORNIA 95992
(916) 674-8761
TELECOPIER (916) 674-0990

SUPPLEMENT NO. 2 TO
NORTHERN CALIFORNIA POWER AGENCY
JOINT POWERS AGREEMENT

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WHEREAS, the Joint Powers Agreement created the Northern California Power Agency, herein called "NCPA," pursuant to section 6500 et seq. of the Government Code of the State of California, of which all Parties hereto except Truckee Donner are members or associate members; and

WHEREAS, Truckee Donner and the other Parties hereto desire that Truckee Donner shall become a party to the Joint Powers Agreement and a member of NCPA on the same basis as each of the other members; and

WHEREAS, Truckee Donner is a public agency of the State of California, and is entitled to be a preference purchaser of electric service from the Central Valley Project of the United States, and has powers equivalent to those of the other members of NCPA so far as is relevant to the powers of NCPA; now therefore, the Parties, including Truckee Donner, agree as follows:

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CITY OF ALAMEDA

CITY OF BIGGS

By _____

By _____

Date _____

Date _____

CITY OF HEALDSBURG

CITY OF ROSEVILLE

By _____

By _____

Date _____

Date _____

CITY OF LODI

CITY OF SANTA CLARA

By John R. Snider

By _____

John R. (Randy) Snider, Mayor

Date October 19, 1989

Date _____

Attest: Alice M. Reimche

Alice M. Reimche, City Clerk

CITY OF LOMPOC

TURLOCK IRRIGATION DISTRICT

By _____

By _____

Date _____

Date _____

CITY OF PALO ALTO

By _____

Date _____

CITY OF REDDING

By _____

Date _____

CITY OF GRIDLEY

By _____

Date _____

RevDeC

CITY OF UKIAH

By _____

Date _____

PLUMAS-SIERRA RURAL ELECTRIC
COOPERATIVE

By _____

Date _____

TRUCKEE DONNER PUBLIC UTILITY
DISTRICT

By _____

Date _____